THE BOMBAY DISTRICT POLICE ACT, 1867.

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BOMBAY ACT No. VII OF 1867.[1]

[THE BOMBAY DISTRICT POLICE ACT, 1867.][2]

[*28th December 1867*]

Repealed in part and amended by Bom. 3 of 1886.

Repealed (save sections 33 and 34), by Bom. 4 of 1890.

Sections 33 and 34 repealed locally and temporarily, by Bom. 1 of 1889.

Sections 33 and 34 repealed locally and temporarily, by Bom. 6 of 1933.

Amended by Bom. 23 of 1951.

An Act for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to establish regulations for the administration of the Police of the Presidency of Bombay: It is enacted as follows:— Preamble.

1. [*Rep. Bom. IV of 1890.*]

2. [*Rep. Act 12 of 1873.*]

3 to 32. [*Rep. Bom. IV of 1890.*]

[3]33. Any person Common nuisances.

who on any public thoroughfare, without the permission of a Magistrate or Municipal Commissioner, constructs any booth, shed, stable or the like, or lays down any stones or building material; or

who within the limits or site of any town or village, without sufficient cause, wilfully allows to accumulate any offensive matter in cesspools, dung-heaps or the like, so as to cause annoyance to the neighbouring residents or to passengers; or

who, without sufficient cause, wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy or the like; or

who deposits the bodies of dead animals, or refuse or filth of any description either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community; or

who, in disregard of established rules or the order of a Magistrate, stacks or stores grass or other inflammable material within fifty yards of a dwelling-house, out-house or other buildings; or fails to remove the same when so stacked or stored; or

who disobeys the order of a Magistrate given in respect to land in or near towns, villages or dwelling-places, or in or near public roads and thoroughfares, for the pruning of hedges, or for the pruning or removal of overgrown prickly-pear or other vegetation, the unchecked growth of which is likely to be injurious to health;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1867, Pt. V. p. 61; for Report of the Select Committee, *see ibid*, p. 78, and for Proceedings in Council, *see ibid*, pp. 92, 343 and 358.

[2] The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[3] During such time as Pt. II of the Bombay Village Sanitation Act, 1889 (Bom. I of 1889), and the rules made thereunder, are in force in any village, ss. 33 and 34 of Bom. 7 of 1867 cease to have any operation therein—*see* Bom. 1 of 1889, s. 3. Except in such villages and the City of Bombay these sections are in force in the rest of the State of Bombay.

During such time as the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), and the rules and by-laws made thereunder shall be in operation in any village, ss. 33 and 34 shall cease to have any operation in the said village—*see* Bom. VI of 1933, s. 115 (2).

shall be punishable for every such offence, on conviction before a Magistrate, to the extent of fifty rupees fine, or, in default of payment, to imprisonment not exceeding eight days :

Provided that no person shall be required to prune a hedge below three feet in height and three feet in width.

Removal of prickly-pear or other nuisance from waste-land of town or village.

[1]34. Whenever the removal of prickly-pear or other vegetation or of any nuisance, from the common or waste-land of any town or village shall, in the opinion of [2][the District Magistrate or any magistrate specially empowered in this behalf by the State Government], be necessary, it shall be lawful for the said Magistrate to order such removal by a general notice addressed to all persons having an interest in the said common land, and to the inhabitants of the town or village at large which notice hall be affixed to the chowree or other principal place of public resort : and if within a reasonable time, being not less than seven days, to be specified in the said notice, the order be not carried out, the Magistrate may cause the vegitation or nuisance to be removed, and on the requisition of the said Magistrate the cost of the removal shall be assessed and levied from the inhabitants in the manner provided in sections 16 and 17 * * *[3]

35 to 47. [*Rep. Bom. IV of 1890.*]

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During such time as the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), and the rules and by laws made thereunder shall be in operation in any village, ss. 33 and 34 shall cease to have any operation in the said village—*see* Bom. VI of 1933, s. 115(*2*).

[2] These words were substituted for the words "a Magistrate of the first class" by Bom. 23 of 1951, s. 2, Schedule—Pt. III.

[3] The words "of this Act" were repealed, *ibid.*